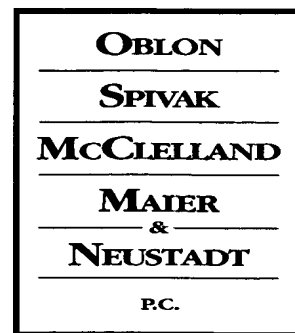




Docket No.: 251701US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/820,712
Applicants: Tsuyoshi SATO, et al.
Filing Date: April 9, 2004
For: ALKALINE PROTEASE
Group Art Unit: 1656
Examiner: Clark

SIR:

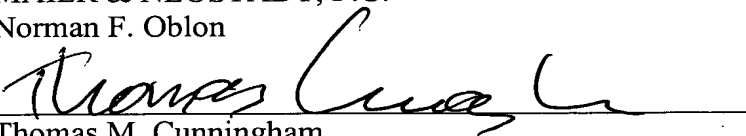
Attached hereto for filing are the following papers:

Election and Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon


Thomas M. Cunningham
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DOCKET NO: 251701US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MITSUYOSHI OKUDA, ET AL. : EXAMINER: CLARK
SERIAL NO: 10/820,712 :
FILED: APRIL 9, 2004 : GROUP ART UNIT: 1656
FOR: ALKALINE PROTEASE :

ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed December 9, 2005, the Applicants elect with traverse, **Group I**, Claims 1 and 2.

The Applicants further elect with traverse the species of polypeptide having SEQ ID NO: 1 except that (d) (positions 63 and 187) is substituted with serine (Ser). That is the elected species conforms to SEQ ID NO: 1, except at positions 63 and 187 which are substituted with serine.

The traverse is on the grounds that the claims of Groups I and III embrace the same subject matter, namely, mutant alkaline proteases and product and composition claims comprising the same products should be examined together.

Secondly, the Applicants respectfully submit that the claims of Groups I, II and III could be examined together without imposing an undue burden on the Examiner. For example, even though polypeptides and nucleic acids have different structures, the genetic

code provides an easy way to make corresponding searches of polypeptide and nucleic acid sequences of Groups I and II, respectively.

Moreover, with respect to the election of species requirement, the Applicants submit that no undue burden would be imposed, since each species has a significant degree of structural similarity to the other species. However, if this requirement is maintained, the Applicants understand that additional species will be examined upon an indication of allowability for the generic claims as they read on the presently elected species.

Accordingly, the Applicants respectfully request that the Restriction Requirement be withdrawn, especially for the claims of Groups I and III, and that all of the claims be examined at one time.

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Respectfully submitted,

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MAIER & NEUSTADT, P.C.

Norman F. Oblon

A handwritten signature in black ink, appearing to read "Thomas M. Cunningham", written over a horizontal line.

Thomas M. Cunningham

Attorney of Record

Registration No. 45,394